

From: Wayne Hedberg
To: Mark_Mackiewicz@blm.gov
Date: 12/2/2004 11:09:06 AM
Subject: Re: Lila Canyon Road - BLM Right of Way status?

Mark,
Thanks for your prompt response! I think I can take it from here. Will call if I have further questions as I work through our assessment.
Thanks again,
Wayne

>>> <Mark_Mackiewicz@blm.gov> 12/2/2004 9:29:24 AM >>>

Hi Wayne:

As you noted, the Lila Canyon Mine project has been in litigation for the last three or four years. The Interior Board of Land Appeals recently decided the case and upheld the decision of the Price Field Manager. As such Utah American can move forward with the project without the possibility of the decision being reversed. The plaintiffs were never granted a stay and our decision was in full force and effect. If Utah American had a permit from the Division, we could have authorized and issued notices to proceed. The decision involved the authorization for the mine site (federal lands outside of the federal coal lease), powerline, and access road.

Utah Amerecan filed the application for the access road in 1998. However, we have been advised that Utah American is working with Emery County on an agreement to design the road. It is assumed Utah American would relinquish their right-of-way application and Emery County would file one. A grant was never issued because an adequate design for the road has never been submitted and approved. When a completely designed and engineered road has been approved we would be in a position to grant right-of-way to the county. As part of our approval process, a detailed plan of development must be submitted and approved along with the road design.

Regarding the mine site right-of-way, if the Division approves the mine plan and Utah American is given approval to mine coal, we would then issue a notice to proceed and authorize use of Federal lands for the proposed facility. If you have additional questions, please feel free to call.

Thanks!

Mark

Mark A. Mackiewicz, PMP
Realty Specialist/Special Projects Manager
Price Field Office
125 South 600 West
Price, Utah 84501

(435) 636-3616

"Wayne Hedberg"
<waynehedberg@utah.gov> To: <Mark_Mackiewicz@blm.gov>
cc:
Subject: Lila Canyon Road - BLM Right of Way status?
12/01/2004 04:28
PM

Mark,
Pam Grubaugh-Littig suggested I contact you about obtaining an update on the status of the BLM Right of Way for the proposed Lila Canyon Road. I understand that this has been under some form of litigation or appeal and that it may have been resolved recently? I've been assigned the task of re-evaluating all of the previous road findings that we're originally developed when we first looked at the Lila Canyon Project permit application a couple of years ago now.

As of yesterday, we sent out our latest technical review of the Lila application to Utah American Energy, Inc. The road findings assessment is a separate issue from that review document. I would certainly appreciate any information you could provide regarding the BLM current position and permitting requirements should the project go ahead as proposed. Has the Right of Way been issued yet? Are there other BLM permitting requirements for the road as well?

Thanks for your help or referral to someone who make be more directly involved with this project.
If it would be easier to discuss this over the phone, I can be reached at (801) 538-5286.

Wayne Hedberg
Coal Permit Supervisor
Division of Oil, Gas & Mining
waynehedberg@utah.gov

CC: Dana Dean; Pam Grubaugh-Littig; Susan White; Wayne Western